

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
MIDLAND DIVISION

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|---------------------------------|---|----------------------|
| SHANNON SMITHERS, KEITH DAIGLE, | § | |
| JONATHAN FARIS, JONATHAN | § | C.A. NO. 14-59 |
| WATSON, CHRIS WELLS, BRAD | § | |
| WILLARD, MIGUEL HERNANDEZ, and | § | |
| JOHN FRANKLIN | § | |
| | § | |
| V. | § | |
| | § | |
| SWIRE OILFIELD SERVICES, LLC | § | JURY TRIAL REQUESTED |

DEFENDANT’S NOTICE OF REMOVAL

Defendant Swire Oilfield Services, LLC (“Swire”), files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1441 and 1446(a).

1. On May 21, 2014, Plaintiffs Shannon Smithers, Keith Daigle, Jonathan Faris, Jonathan Watson, Chris Wells, Brad Willard, Miguel Hernandez and John Franklin filed an Original Petition against Defendant Swire Oilfield Services, L.L.C. as Cause No. CV-50314 in the 142nd Judicial District Court, Midland County, Texas, but did not issue citation or serve the Original Petition.

2. On June 12, 2014, Defendant Swire accepted service of citation and Plaintiffs’ Original Petition. Swire files this notice of removal within the 30-day time period required by 28 U.S.C. 1446(b). There are no other defendants whose consent is required.

3. Removal is proper because this case arises under the Constitution, laws, or treaties of the United States, pursuant to 28 U.S.C.1331. Plaintiffs allege that Defendant has violated the Fair Labor Standards Act (“FLSA”), 29 U.S.C. §201, *et seq.* Because the Plaintiffs’ right to relief is created by federal law, this action invokes federal question jurisdiction.

4. Pursuant to 28 U.S.C. § 1446, a true and accurate copy of the Original Petition is attached hereto as **Exhibit A**. A completed Civil Cover Sheet and supplemental civil cover removal sheet are being filed simultaneously with this pleading.

5. Venue is proper in this district under 28 U.S.C. 1441(a) because the state court where the suit is pending is located in the Western District of Texas.

6. Contemporaneous with the filing of this Notice of Removal, a Notice of Filing Notice of Removal will be filed in the 142nd Judicial District, Midland County, Texas, where the suit is pending, and served upon plaintiffs in accordance with 28 U.S.C. § 1446(b).

For these reasons, Swire Oilfield Services, LLC asks the Court to remove the suit to the United States District Court for the Western District of Texas, Midland Division.

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Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
SWIRE OILFIELD SERVICES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I hereby certify that I have served the following counsel of record electronically or by another manner authorized by Federal Rule Civil Procedure 5(b)(2):

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